

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
K.G. Cornwall, LLC  
Plaintiff,

-against-

Beazer Homes Corp  
Defendant.  
-----X

Civ. (CLB) (GAY)

07 CV 2881

ORDER DECLARING WHITE PLAINS  
ELIGIBLE FOR MEDIATION

Brieant, J.

To the Clerk of Court:

1. This case is determined to be eligible for mediation as to all issues.
2. The entire mediation process is confidential. The parties and the Mediator may not disclose information regarding the process, including settlement terms, to the Court or to third persons unless all parties agree. The identity of the Mediator is not to be disclosed even to the Court. However, persons authorized by the Court to administer or evaluate the mediation program may have access to information necessary to administer or evaluate the program and parties, and counsel and mediators may respond to confidential inquiries or surveys by said persons authorized by the Court to administer or evaluate the mediation program.
3. The mediation process shall be treated as a compromise negotiation for purposes of the Federal Rules of Evidence and state rules of evidence. The Mediator is disqualified as a witness, consultant, attorney, or expert in any pending or future action relation to the dispute, including actions between persons not parties to the mediation process.
4. Entry of this case into the Court's mediation program shall not be deemed to change any timetable set by the Court contained in a scheduling order or otherwise governing the completion of discovery, motion practice or trial date.

SO ORDERED.

Dated: White Plains, New York

6/15/07

Charles L. Brieant  
Charles L. Brieant, U.S.D.J.